THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.14822 of 1998

Dated: 07.03.2007

Between:

M/s D.C.L.Finance Limited, located at DCL Chambers, Premises Nol6-3-569/1, I Floor, Somajiguda, Khairathabad, Hyderabad, rep., by its Assistant Vice President Sri P.Murali Krishna

..... PETITIONER

AND

Government of Andhra Pradesh, through its Principal Secretary to Hyderabad Urban Development Authority, Secretariat, Saifabad, Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.14822 of 1998

ORDER:

This writ petition is filed seeking to quash the proceedings, dated 12.03.1998, issued by the first respondent rejecting to grant permission to the petitioner for changing its premises bearing Municipal No.6-3-569/1, situated at Khairatabad, Somajiguda, Hyderabad, from residential use to commercial use.

Petitioner is the absolute owner and possessor of the property bearing Municipal No.6-3-569/1 admeasuring 792 square yards situated

at Khairatabad, Hyderabad. It submitted an application to the third respondent along with the plan for the proposed construction of stilt plus upper five floors for residential use, and the third respondent, vide proceedings dated 26.11.1994 accorded permission to the petitioner to construct the same, and accordingly the petitioner has constructed the same. Further, the petitioner submitted an application on 06.04.1995 seeking permission of the first respondent to change the land use from residential to commercial. Thereupon, the first respondent, after calling for the remarks from respondents 2 and 3, passed the impugned order dated 12.03.1998 rejecting to grant permission for the said conversion. Now the grievance of the petitioner is that though the respondents granted similar permission to its neighbours, it was not granted the same. Hence, this writ petition.

A detailed counter is filed on behalf of the respondents, wherein it is stated that the application filed by the petitioner for conversion of the land used from residential to commercial was considered and rejected on the ground that the petitioner had already constructed five floors and moreover, the existing construction has a shortfall of open spaces on all sides and do not confirm to the regulations of commercial use. Further, it is stated that the area, where the petitioner's building is located, is a very busy area and if the petitioners building is permitted for commercial use, it will create traffic congestion in that area.

Heard the counsel for both the parties.

Having regard to the averments in the counter of the respondents, this Court is of the view that the rejection, order dated 12.03.1998, passed by the first respondent is perfectly justified and needs no interference.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

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07.03.2007

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